

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 51-76 are pending, of which claims 51, 57, 64, and 70 have been amended.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the case in better form for appeal.

35 U.S.C. §102 Claim Rejections

Claims 51-55 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,657,317 to Mahany et al. (hereinafter, "Mahany") (*Office Action* p.4). Applicant respectfully traverses the rejection.

Claim 51 recites "the server serving the content via the first network to the local service provider", and "a transmitter, responsive to the server, to transmit the content over a second network to the local service provider, the second network being independent from the first network and providing additional bandwidth so that the transmitter can serve the content to the local service provider in an event that the content is not served via the first network within a designated time period."

Mahany does not show or disclose a server to serve content via a first network to a local service provider and a transmitter to transmit the content over a second network to the local service provider where the second network is independent from the first network and serves the content in an event that the

1 content is not served via the first network within a designated time period, as
2 recited in claim 51. Mahany only describes one overall LAN system via which a
3 roaming computing device forwards data to a host computer.

4 The Office cites Mahany for disclosing a first network as a premises LAN
5 and a second network as a peripheral network (*Office Action* p.4). Contrary to the
6 claimed independent first and second networks, Mahany describes that the
7 peripheral network is merely a component of the premises LAN. For example,
8 Fig. 28A illustrates a premises LAN that includes a hard-wired backbone
9 LAN 3019 and two base stations 3015 and 3017 of the LAN system (*Mahany*
10 col.44, lines 4-9). Mahany describes that a spontaneous LAN can be created by a
11 roaming computing device within the premises LAN and that a spontaneous LAN
12 created between a computing device and a peripheral device is a peripheral LAN
13 (*Mahany* col.9, line 52 – col.10, line 15). As described by Mahany, a spontaneous
14 or peripheral LAN is simply a communication component of the premises LAN.

15 Additionally, Mahany only shows one network communication link via a
16 base station over the premises LAN 3019 from the host computer 3011 to the
17 roaming computing device 3007 (*Mahany* Fig. 28A). Contrary to the single
18 network communication link to the host computer as shown in Mahany, claim 51
19 recites that the server serves the content to the local service provider via the first
20 network and over an independent second network with a transmitter responsive to
21 the server. Accordingly, Mahany does not show or disclose independent first and
22 second networks as recited in claim 51.

23 The Office cites a host computer 3011 in Mahany as Applicant's claimed
24 storage system and server, and a roaming computing device 3007 as Applicant's
25 claimed local service provider (*Office Action* p.4). Applicant claims that the server

1 serves the content to the local service provider in claim 51. The Mahany system
2 cited by the Office does not teach this system. Rather, Mahany describes that
3 computer terminal (roaming device 3007), in conjunction with a code reader 3009,
4 forwards data through the network to the host computer 3011 (*Mahany* col.43,
5 lines 34-39). The data flow in Mahany is from the local service provider (the
6 roaming device as described by the Office) to the server (the host computer as
7 described by the Office), rather than from the server to the local service provider,
8 as recited in claim 51. Accordingly, the communication system described in
9 Mahany does not provide a basis to reject Applicant's claimed content provider.

10 The Office also cites Mahany for disclosing "a transmitter, responsive to the
11 server, to transmit the content over a second network to the local service provider",
12 as recited in claim 51 (*Office Action* pp.4-5). However, Mahany does not disclose
13 any such transmitter of a content provider that is responsive to the server. The
14 Office cites the host computer 3011 in Mahany as Applicant's claimed storage
15 system and server, yet cites to the roaming computing device 3007 as the system
16 component that includes the transmitter (*Office Action* pp.3,5). Mahany only
17 describes that the roaming computing device 3007 includes an RF transceiver to
18 communicate on the premises LAN (*Mahany* col.44, lines 27-30, 65). This is
19 contrary to Applicant's claimed content provider that includes the transmitter to
20 transmit the content over a second network, as recited in claim 51.

21 Accordingly, claim 51 along with dependent claims 52-56 are allowable
22 over Mahany for at least the several reasons described above and Applicant
23 respectfully requests that the §102 rejection be withdrawn.
24
25

1 **35 U.S.C. §103 Claim Rejections**

2 Claims 56-63 are rejected under 35 U.S.C. §103(a) for obviousness over
3 Mahany (*Office Action* p.6). Applicant respectfully traverses the rejection.

4 Claims 64-76 are rejected under 35 U.S.C. §103(a) for obviousness over
5 Mahany in view of U.S. Patent No. 5,555,244 to Gupta et al. (hereinafter, "Gupta")
6 (*Office Action* p.8). Applicant respectfully traverses the rejection.

7
8 Claim 56 recites (with reference to claim 51) that "the first network is a
9 high-speed, high-bandwidth network, and wherein the second network is a
10 broadcast satellite network." Mahany does not teach a server serving the content
11 via a high-speed, high-bandwidth network to the local service provider, and a
12 transmitter, responsive to the server, to transmit the content over a broadcast
13 satellite network to the local service provider, as recited in claim 56 (in
14 combination with claim 51).

15 The Office recognizes that Mahany does not disclose a broadcast satellite
16 network, but contends that one is strongly suggested (*Office Action* p.3,6).
17 Applicant disagrees because Mahany describes the premises LAN within the
18 context of a warehouse environment or a retail store environment (*Mahany* col.43,
19 lines 3-34; col. 61, lines 12-15). There is no motivation or reason to modify
20 Mahany to implement a broadcast satellite network to communicate inventory data
21 in a warehouse or retail store environment.

22 Additionally, the Office comments that Mahany is not expressly limited to a
23 warehouse or retail store environment, and that Mahany discloses the invention is
24 applicable to a variety of different environments (*Office Action* p.3). For example,
25 Mahany also describes embodiments such as a vehicular LAN or a wide area radio

1 network (WAN) (*Mahany* col.10, lines 14-18). Again, there is no motivation or
2 reason to modify Mahany to implement a broadcast satellite network to
3 communicate data in a vehicle or a radio network. Applicant agrees that Mahany
4 may be implemented in a variety of environments, as discussed by Mahany, but
5 disagrees with the Office that Mahany teaches or suggests a completely alternate
6 system configuration, such as a satellite network.

7 Further, as described above in the response to the rejection of claim 51, the
8 Office cites the host computer 3011 in Mahany as Applicant's claimed storage
9 system and server, and the roaming computing device 3007 as Applicant's claimed
10 local service provider (*Office Action* p.2). However, there is no indication in
11 Mahany that host computer 3011 serves content via a high-speed, high-bandwidth
12 network and also serves the content over a broadcast satellite network to the
13 roaming computing device 3007. Thus, Mahany does not disclose a server serving
14 the content via a high-speed, high-bandwidth network and over a broadcast
15 satellite network to the local service provider, as recited in claim 56 (in
16 combination with claim 51).

17 Accordingly, claim 56 is allowable over Mahany and Applicant respectfully
18 requests that the §103 rejection be withdrawn.

19
20 Claim 57 recites "a server connected to the storage system to serve the
21 content to a local service provider which provides the content to multiple clients",
22 "a high-speed, high-bandwidth network to communicate the content from the
23 server to the local service provider", and "a broadcast satellite network to
24 communicate the content from the server to the local service provider, the
25

1 broadcast satellite network being independent from the high-speed,
2 high-bandwidth network."

3 As described above in response to the rejection of claims 51 and 56 (§102
4 rejection), Mahany does not teach or suggest a high-speed, high-bandwidth
5 network and a broadcast satellite network to communicate the content from the
6 server to the local service provider, as recited in claim 57. Mahany only describes
7 one overall LAN system via which a roaming computing device forwards data to a
8 host computer. Mahany describes that a spontaneous or peripheral LAN is simply
9 a communication component of a premises LAN, and not two different networks
10 as recited in claim 57.

11 Further, there is no indication in Mahany that host computer 3011 serves
12 content via a high-speed, high-bandwidth network and over a broadcast satellite
13 network to the roaming computing device 3007. Thus, Mahany does not teach or
14 suggest a high-speed, high-bandwidth network and a broadcast satellite network to
15 communicate the content from the server to the local service provider, as recited in
16 claim 57.

17 As described above in the response to the rejection of claim 56, it would not
18 be obvious to implement the premises LAN described in Mahany as a broadcast
19 satellite network within the context of a warehouse environment or a retail store
20 environment (*Mahany* col.43, lines 3-34; col. 61, lines 12-15). There is no
21 motivation to modify the system configuration of Mahany to implement a
22 broadcast satellite network to communicate inventory data in a warehouse or retail
23 store environment.

1 Accordingly, claim 57 along with dependent claims 58-63 are allowable
2 over Mahany and Applicant respectfully requests that the §103 rejection be
3 withdrawn.

4
5 Claim 64 recites a content provider comprising "a transmitter, responsive to
6 the server, to transmit the video content over a second network to the local service
7 provider, the second network being independent from the first network and
8 providing additional bandwidth so that the transmitter can serve the video content
9 to the local service provider in an event that the video content is not served via the
10 first network within a designated time period."

11 The Office rejects claim 64 over Mahany for the similar reasons provided to
12 reject claim 51 (*Office Action* p.9). However, the Office recognizes that Mahany
13 does not disclose video content, as recited in claim 64. The Office cites Gupta for
14 teaching video content and contends that it would have been obvious "to have the
15 content (in Mahany) be video content in order to provide video-on-demand
16 systems for end users" (*Office Action* p.9). Applicant respectfully disagrees with
17 the combination suggested by the Office because there is no motivation or reason
18 to modify the inventory data system in Mahany to provide on-demand video in a
19 warehouse or retail store environment. There is no indication or suggestion in
20 Mahany that inventory data would be implemented as on-demand video for end
21 users.

22 Accordingly, claim 64 along with dependent claims 65-69 are allowable over
23 the Mahany-Gupta combination for at least the reasons described above, and for the
24 reasons described above in response to the rejection of claims 51-56. Applicant
25 respectfully requests that the §103 rejection be withdrawn.

1
2 Claim 70 recites a content provider comprising "a high-speed,
3 high-bandwidth network to communicate the video content from the server to the
4 local service provider" and "a broadcast satellite network to communicate the
5 video content from the server to the local service provider, the broadcast satellite
6 network being independent from the high-speed, high-bandwidth network."

7 Mahany and/or Gupta do not teach or suggest a high-speed, high-bandwidth
8 network and a broadcast satellite network to communicate the video content from
9 the server to the local service provider, as recited in claim 70.

10 Claim 70 along with dependent claims 71-76 are allowable over the
11 Mahany-Gupta combination for at least the reasons described above in response to
12 the rejection of claims 51, 56-57, and 64. Accordingly, Applicant respectfully
13 requests that the §103 rejection be withdrawn.

14
15 Conclusion

16 Pending claims 51-76 are in condition for allowance. Applicant
17 respectfully requests reconsideration and issuance of the subject application. If
18 any issues remain that preclude issuance of this application, the Examiner is urged
19 to contact the undersigned attorney before issuing a subsequent Action.

20
21 Respectfully Submitted,

22
23 Dated: Aug 27, 2004

24 By: 

25 David A. Morasch
Reg. No. 42,905
(509) 324-9256 x 210